

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF GREENHOUSE FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.), CHAPTER 121A, AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP FORMED UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 P.M. on May 17, 1979 and June 14, 1979, in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application dated April 17, 1979, (hereinafter called the "Application"), filed by The Greenhouse, for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on May 7, 1979, May 14, 1979 and June 1, 1979, in the Boston Herald-American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Chairman of the Authority, James G. Colbert, Joseph J. Walsh, James K. Flaherty and James E. Cofield, Jr., members of the Authority, were present at the hearing.

B. The Project. The Project Area consists of 52,460 square feet of vacant land, currently being used as an open air parking lot, bounded by Huntington Avenue, West Newton Street, Public Alley No. 403 and Cumberland Street in the Fenway section of Boston, more fully described in the metes and bounds description, Appendix 5 of the Application. Ronald Nicholson, General Partner of the Greenhouse, has an option agreement to acquire the Project Site from the Christian Science Church. The Project will be financed with a permanent loan from the Government National Mortgage Association, insured by HUD under Section 220 of the National Housing Act.

The Project consists of the acquisition of the Project area and the construction, operation and maintenance by the 121A Entity of two twelve-story buildings, connected by a three-story glass atrium, consisting of 322 residential units, approximately 8,000 square feet of retail space, and a one-level underground garage for approximately 210 cars. The residential units will be comprised of 160 one-bedroom, and 140 two-bedroom and 22 three-bedroom apartments.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all Documents, Plans and Exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the Exhibits offered in evidence at the hearing, arguments and statements made at the hearing, and additional statements submitted subsequent to the hearing.

The Project as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the purchase, construction and maintenance in a blighted, open, decadent or substandard area of a decent, safe and sanitary residential building and appurtenant facilities.

D. Project Area The Project area is located in the Fenway Urban Renewal Area, and has been declared by the Authority to be blighted, substandard and decadent. The Project area consists of a vacant lot currently used for public, surface parking creating an unsightly open lot which is detrimental to the safety and health of the community because it encourages commuter traffic into and out of the City at peak traffic hours increasing air and noise pollution in the area. The present use of the Project area as an open air parking lot is found to be detrimental to the safety, health, welfare and sound growth of the adjacent residential neighborhood.

Further, it is unlikely that without the assistance provided under Chapter 121A the Project would be undertaken because of unsuitable soil and other physical conditions in the Project area which make it unduly expensive to develop. The soil under the site necessitates excessive excavation, waterproofing and foundation costs.

The Project site is also a decadent area in that buildings which occupied the site were torn down several years ago and not replaced, and it is improbable that the buildings will be replaced by the ordinary operations of private enterprise.

The Project is detrimental to the health, safety and sound growth of the community for the reasons stated above and are conditions which have not, and in the opinion of the Applicant, will not be remedied by the ordinary operations of private enterprise.

Without the aids available under M.G.L. Chapter 121A as is evidenced by the requirement of the mortgage lender attached to the Application, that the real estate taxes be limited to contain percentages of the Project's estimated gross annual income, which percentage levels

can only be lawfully agreed to by the City of Boston under M.G.L. Chapter 121A and Chapter 6A, the site would not be developed. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A. The proposal constitutes a "project" within the meaning of that statute.

For these reasons it is found that the Project area is a blighted open and decadent area within the meaning of Chapter 121A, as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private or public enterprise.

The Project will provide substantial financial return to the City of Boston. The 6A Tax Agreement attached to the Application sets forth the Agreement to be entered into between the City of Boston and the Applicants. This Agreement provides in substance that there be paid to the City of Boston in lieu of real estate taxes in each of the fifteen (15) calendar years after approval of the Project.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated cost is approximately Nineteen Million (\$19,000,000) Dollars. The Project will be financed by a permanent loan from the Government National Mortgage Association, insured by the Department of Housing and Urban Development under Section 220 of the National Housing Act and from equity of the Applicants. Experience with similar financing and organizational methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston as the Project area comes within

a classification in the Master Plan which permits buildings and uses of the kind proposed by the Applicant.

G. Effect of the Project. The Project will not in any way be detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The structure to be built on the Project site has been reviewed by the Design Review Staff of the Authority and is subject to further Design Review. The Authority finds that this Project will enhance the general appearance of the Area and furnish attractive and necessary landscaping.

The carrying out of the Project will not involve the relocation of any families.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Environmental Considerations. Pursuant to the provisions of Section 61 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), the Authority hereby finds and determines that the Project will not result in significant damage to or impairment of the environment and further finds and determines that all practicable and feasible means and measures have been taken, or will be utilized, to avoid or minimize damage to the environment.

As a result of the investigations and report of the Authority's staff and of its own knowledge, the Authority hereby finds that.

1. The Project will not adversely affect any open space or recreational area or any aesthetic values in the surrounding areas.

2. The Project will not adversely affect any archeological or historical site, structure or feature; rather it is expected that the Project will enhance the historic features of the area.
3. The Project will not adversely affect any significant natural or man-made feature or place but is determined to be compatible with the surrounding environment.
4. Being located in an urban area, the Project will not affect any wilderness area or area of significant vegetation and will not adversely affect any rare or endangered fisheries, wildlife or species of plants.
5. The Project will not alter or adversely affect any flood hazard area, inland or coastal wetland, or any other geologically unstable area.
6. The Project will not involve the use, storage, release, or disposal of any potentially hazardous substances.
7. The Project will not affect the potential use or extraction of any agricultural, mineral, or energy resources.
8. The Project will not result in any significant increase in consumption of energy or generation of solid waste.
9. The Project will not adversely affect the quantity or quality of any water resources and will not involve any dredging.
10. Except necessarily during the construction phase, the Project will not result in the generation of a significant amount of noise, dust, or other pollutants, and will not adversely affect any sensitive receptors.
11. The Project will not adversely affect any area of important scenic value.

12. The Project will not conflict with any Federal, State, or local land use, transportation, open space, recreation, and environmental plans and policies.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the Applicant comply with the City of Boston Air Pollution Control Commission's Regulation for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in Appendix Item 12 filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Actions of 1960, as amended.

In addition to the minimum standards set forth in Appendix Item 12, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Plans and Specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

The carrying out of the Project will require a permit for the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a Church. The Project, in part to consist of a 210-car parking garage, is within 500 feet of the Christian Science Church. In the opinion of the Applicant, endorsed by the Christian Science Board of Directors in a letter made part of the 121A Applications as Appendix Item 13, the proposed garage will not be detrimental to the Church. The underground fully-enclosed parking facility, for the sole use of the Project residents, will improve present adverse parking and traffic conditions caused by the existing open-air commercial parking lot.

The Project does not require a declaration that the buildings contemplated constitute a separate building for the purpose of General Laws, Chapter 138.

J. Zoning and Building Code Deviations. Proposed deviations filed with and attached to the Application lists the Zoning deviations requested. For the reasons set forth in the Application, and the evidence presented at the hearing, the Authority hereby finds that the attached zoning deviations, attached hereto and incorporated by reference as Exhibit A, necessary for the carrying out of the total Project and therefore granted without substantially derogating from the intent and purposes of the applicable Laws, Codes, Ordinances and Regulations, respectively.

K. Duration of Period of Tax Exemption. The Applicants do not request any extensions to the base term of 15 calendar years for the Project's period of tax exemption pursuant to applicable provisions of Chapter 121A.

K. Decision. For all the reasons set forth in the foregoing report, the Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, subject to the provisions set forth in this Report and Decision.

EXHIBIT A

Cossutta & Associates, Architects P.C.

GREENHOUSE APARTMENTS - BOSTON, MASSACHUSETTS

ZONING DEVIATIONS REQUIRED

OWNER/DEVELOPER: (R. Nicholson to provide)

LOCATION: 150 Huntington Avenue, Boston, Massachusetts

NUMBER OF UNITS: 322

SOURCE OF FUNDING: (R. Nicholson to provide)

ARCHITECT: Cossutta & Associates, Architects P.C.

ZONING DISTRICT: B8-U

FRONT YARD (SECTION 18-1): Required = 20'-0"
Provided = 2'-2-1/4" at bay windows; 16'-0" elsewhere.

SIDE YARD (SECTION 19-6b): Required = 7'-6"
Provided = none

REAR YARD (SECTION 20-4): Required = 30'-0"
Provided = 25'-8" at bay windows; 39'-5-3/4" elsewhere.

SETBACK OF PARAPETS (ARTICLE 21):

Huntington Avenue: Required = 24'-6"
Provided = 2'-2-1/4" at bay windows; 16'-0" elsewhere.

West Newton: Required = none
Provided = none

Cumberland Street: Required = none
Provided = none

Alley No. 403: Required = 65'-6"
Provided = 25'-8" at bay windows; 39'-5-3/4" elsewhere.

MEMORANDUM

JULY 19, 1979

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: ROBERT J. RYAN, DIRECTOR
SUBJECT: REPORT AND DECISION ON THE CHAPTER 121A APPLICATION
OF THE GREENHOUSE

On May 17, 1979 and June 14, 1979 the Authority conducted a public hearing with respect to the above-captioned Application. At that meeting the Board heard a presentation by the Applicants.

The Project consists of the acquisition of 52,460 square feet of vacant land and the construction, operation and maintenance of two twelve story buildings, connected by a three story glass atrium, comprised of 322 residential units, approximately 8,000 square feet of retail space on the ground floor, and an underground garage for approximately 210 cars. The Project site is bounded by Huntington Avenue, West Newton Street, Cumberland Street and Public Alley No. 403 in the Fenway section of Boston.

The staff has examined the Application and found that it contained sufficient evidence in support of the Project to permit the Authority to make those findings and determinations necessary to proceed with the approval of the Project.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project.

An appropriate vote follows:

VOTED: That the document presented at this meeting entitled: "Report and Decision on the Application of the Greenhouse for the Authorization and Approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A, as amended and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Limited Partnership formed under M.G.L. Chapter 109, and Approval to Act as on Urban Redevelopment Limited Partnership Under said Chapter 121A" be and is hereby approved and adopted.